

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

<b>UNITED STATES OF AMERICA,</b>	)	<b>Criminal No.: 09-CR-10330-GAO</b>
	)	
<b>v.</b>	)	
	)	
<b>(1) STRYKER BIOTECH, LLC,</b>	)	
<b>(2) MARK PHILIP,</b>	)	
<b>(3) WILLIAM HEPPNER,</b>	)	
<b>(4) DAVID ARD and</b>	)	
<b>(5) JEFFREY WHITAKER,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

**GOVERNMENT’S ASSENTED-TO MOTION TO DISMISS ALL COUNTS AS TO  
DEFENDANT DAVID ARD**

Pursuant to Fed. R. Cr. P. 48(a), the United States hereby moves to dismiss Counts 1-6 of the Superseding Indictment, Counts 1-6 and 13 of the Indictment, and related forfeiture allegations, as to Defendant David Ard, with prejudice, on the ground that such dismissal is in the interest of justice. Defendant Ard assents to this motion.

//  
  
//  
  
//  
  
//  
  
//  
  
//  
  
//  
  
//  
  
//

WHEREFORE, the United States respectfully requests that the Court dismiss Counts 1-6 of the Superseding Indictment, Counts 1-6 and 13 of the Indictment, and related forfeiture allegations, as to Defendant Ard, with prejudice.

Respectfully submitted,

CARMEN M. ORTIZ  
United States Attorney

By: /s/ Gregory F. Noonan  
Jeremy M. Sternberg  
Susan G. Winkler  
Gregory F. Noonan  
Assistant U.S. Attorneys

IT IS SO ORDERED.

By: \_\_\_\_\_  
The Hon. George A. O'Toole, Jr.  
U.S. District Court Judge

Date: January 17, 2012

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Gregory F. Noonan  
Assistant United States Attorney

Date: January 17, 2012